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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,022	04/12/2004	Shigeru Takeuchi	04213 /LH	3357
1933	7590	09/05/2008	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 Fifth Avenue 16TH Floor NEW YORK, NY 10001-7708			NGUYEN, THUY-VI THI	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/823,022	TAKEUCHI, SHIGERU	
	<b>Examiner</b>	<b>Art Unit</b>	
	THUY VI NGUYEN	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 April 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

1. This action is in response to applicant's communication on April 12, 2004 wherein claims 1-14 are currently pending.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a)-(d), which papers have been placed of record in the file.

***Claim Status***

Claims 1-5 (system) and 6-14 (system) are pending.

As of April, 12, 2004, claim 1 is as followed:

1. A photographic production system, comprising:

    a first and a second print producing lines each of which comprises plural serial processing devices to produce a photographic printing in response to a work order from a customer to produce the photographic printing;

    the first print producing line including:

        a monitoring section to monitor a working status of each of the plural serial processing devices of the first print producing line and to memorize the working status,

        a request-information generating section to generate request-information to request to conduct a process of one of the plural serial processing devices of the first print producing line on a basis of the working status, and

a request-information issuing section to issue the request-information to the second print producing line; and

the second print producing line including: and

a request-information receiving section to receive the request-information from the request-information issuing section, and

a processing result returning section to make the corresponding one of the plural serial processing devices of the second print producing line to conduct the requested process and to return a processing result to the first print producing line.

Note: it appears that claims 1 and 6 are apparatus claims.

Note: that it appears that independent claim 1 is an apparatus claim. In examination of the apparatus claim, the claims must be structurally distinguishable from the prior art. While features of an apparatus claim may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997). Apparatus claims cover what a device is, not what a device does. *Hewlett-Packard Co. vs. Bausch & Lomb Inc.* (Fed. Circ. 1990). Manner of operating the device or elements of the device, i.e. recitation with respect to the manner in which a claimed apparatus is intended to be employed/used, does not differentiate apparatus from the prior art apparatus. *Ex parte Masham*, 2 USPQ2d 1647 (BPAI, 1987).

Also, this is an apparatus claim and intended use limitation for the system/device or apparatus, i.e. “to produce a photographic printing in response ...to produce the

photographic printing" on lines 3-4, and "to monitor ..." on line 6, etc., are merely intended use of the devices or section thus carrying no patentable weight.

Therefore, independent system claim 1 basically reads as followed:

a first and a second print producing lines each of which comprises plural serial processing devices;

the first print producing line including:

a monitoring section,

a request-information generating section, and

a request-information issuing section; and

the second print producing line including: and

a request-information receiving section, and

a processing result returning section.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Independent claim 1**, second step "*a monitoring section to monitor a working status of each of the plural serial processing devices of the first print producing line and*

*to memorize the working status". It is unclear how the monitoring section to monitor the working status and can also memorize the working status ?*

In dependent claim Claims 1 and 6, last step recites the limitation "*a processing result returning section/function to make the corresponding one of the plural serial processing devices of the second print producing line to conduct the requested process and to return a processing result to the first print producing line*". There is insufficient antecedent basis for this limitation in the claim. Furthermore, it is unclear of how the phrase "*to return a processing result to the first producing line*" is carried out. Does it mean returning the printing image or printing data back to the first producing line?

#### ***Claim Rejections - 35 USC § 103***

**5.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**6.** Claims 1-5, 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over LOMOINE et al (US 6,786, 149) in view of TUBEL et al (US 6,192,980).

**As for claim 1,** LOMOINE discloses a photographic production system, comprising:

a first and a second print producing lines each of which comprises plural serial processing devices;

{see col. 2, lines 27-40; col. 3, lines 28-35; col. 5, lines 5-37; figure 1 "...two print line segments: " printer 1 and 2 operating to a first line, and printer 3 operating to a second print line segment..."};

the first print producing line including: a monitoring section [see col. 3, lines 9-16 and lines 50-55 "...being managed (or monitored) *in the system*"];

LOMOINE ET AL disclose the photographic production apparatus as claimed except for the request a request-information generating section, a request-information issuing section and receiving section, and a processing result returning section.

TUBEL et al is cited to teach general production monitoring system for a plurality of production devices using a controller to control and monitor of a plurality of production devices (lines/wells) wherein the control system contains a communication exchange system between the plurality of production devices (see col. 9, lines 34-50; col. 13, lines 55-58) comprising: a request-information generating section (see col. 5, lines 32-42; col. 13, lines 9-11); a request-information issuing section, a request-information receiving section, and a processing result returning section {see Fig. 7, elements 56, 58-60, 70, 72, 76, 78 "**COMMUNICATION DRIVERS/RECEIVERS**", 80, cols. 5, lines 29-30, claim 1} for the benefit of overcoming or alleviating well known problems and deficiencies such as increased production efficiencies and lower operating costs {see col. 3, lines 55-58 and col. 4, lines 48-52}.

Therefore, it would have been obvious to modify the teachings of LOMOINE ET AL by using control system contains a communication exchange system between the plurality of production devices comprising: a request-information generating section; a

request-information issuing section; a request-information receiving section, and a processing result returning section of TUBEL et al for the benefit cited above, .

**As for claim 2**, LOMOINE ET AL/ TUBEL disclose identification of the second producing line {see col. 2, lines 27-40; col. 3, lines 28-35; col. 5, lines 5-37; figure 1 “*...printer 3 operating to a second print line segment...*”} and information about which processing devices have been completed; and information about which part of the processing device have been completed, when one of the processing device has not been completed [see col. 3, lines 5-8; “ devices statuses; col. 3, lines 43-45 “*...status reporting mechanism*”; col. 10, lines 42-47 “*...status information relating to each device*”]. **Note:** This limitation deals with the information or status of the production system is Non-functional Descriptive Material NFDM and carried no patentable weight. See MPEP 2106.01.

**As for claim 3**, LOMOINE ET AL/ TUBEL disclose the second print producing line specified in the request information includes at least a processing device, which is specified in the request-information to request to conduct a process to the second print producing line {see figures 1-3, col. 2, lines 27-40; col. 3, lines 28-35; col. 5, lines 5-37; figure 1 “*...printer 3 operating to a second print line segment...*”}.

**Note:** the limitation “*which is specified in the request-information to request to conduct a process to the second print producing line*” is an apparatus claim and intended use limitation for the system/device or apparatus thus carrying no patentable weight.

**As for claim 4**, LOMOINE ET AL/ TUBEL disclose the processing result includes which processing device has been completed, and processed data when a processing device, which has been specified in the request information, has been completed [col. 10, lines 49-67, col. 11, lines 1-4]. Note this limitation is dealing with the data processing; thus it is Non Functional Descriptive Material and carried no patentable weight. See MPEP 2106.01.

**As for claim 5**, LOMOINE ET AL/ TUBEL disclose the request-information is issued when one of the serial processing devices is interrupted [see col. 1, lines 54-67; col. 2, lines 1-5].

**As for independent claim 6**, which deals with the phographic production system for controlling a processing devices alternation between a first and a second photographic print producing lines, the first and the second printing producing lines having a first computer and a second computer. This is taught in LOMOINE ET AL [figures 1-3]. The first computer includes a memory function {see col. 3, lines 9-16 and lines 50-54}. Moreover, this claim has the same limitation as independent claim 1 above and is rejected for the same reason set forth the independent claim 1 above.

**As for claim 7**, LOMOINE ET AL/TUBEL discloses wherein the request-information to request to conduct a process of one of the plural serial processing devices of the first print producing line on a basis of the working status is issued when one of the plural serial producing devices is interrupted [...see col. 1, lines 64-67; col. 2, lines 14-15 and lines 49-52 “*event of a failure or interrupted of the first pint line segment, the third printer can be used as a back up*”].

**As for claim 8**, LOIMOINE ET/ TUBEL discloses wherein, the second print producing line specified in the request-information includes at least a processing device, which is specified in the request-information to request to conduct a process to the second print producing line {see figures 1-3, col. 2, lines 27-40; col. 3, lines 28-35; col. 5, lines 5-37; figure 1 “*...printer 3 operating to a second print line segment...*”}.

**Note:** the limitation “*which is specified in the request-information to request to conduct a process to the second print producing line*” is an apparatus claim and intended use limitation for the system/device or apparatus thus carrying no patentable weight.

**As for claim 9**, LOIMOINE ET/ TUBEL discloses wherein, the processing result includes which processing device has been completed, and processed data when a processing device, which has been specified in the request information has been completed [col. 10, lines 49-67, col. 11, lines 1-4]. Note this limitation is dealing with the data processing; thus it is Non Functional Descriptive Material and carried no patentable weight. See MPEP 2106.01.

**As for claim 10-14**, LOIMOINE ET/ TUBEL discloses wherein, the request-information is issued when one of the serial processing devices is interrupted [see col. 1, lines 6-10; and lines 64-67; col. 2, lines 1-5; col. 12, lines 36-43 and figure 11 “*...event failure of the first print line segment, a second print line segment can be used as backup*”].

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. The US Patent Application to Suto discloses a distributed data processing system and method of processing data in distributed data processing system, and to Ozaki discloses production management system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Dennis Ruhl/

Primary Examiner, Art Unit 3689